IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.3621 OF 2005

IN

APPEAL (L) NO.1267 OF 2005

AND

APPEAL (L) NO.1267 OF 2005

...

M/s.GE Countrywide Consumer
Financial Services Ltd. ...Appellant

v/s.

K.C. Sheth (H.U.F.) & ors. ...Respondents

...

Ms.Deepa S. Malwankar i/b Vinod Juwale for the Appellant.

...

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 19TH JULY, 2007

P.C.:

We have heard the learned Counsel for the Appellant. Assuming that there is a case made out for condonation of delay, in our opinion, the Appeal does not deserve to be entertained. The Plaintiff has filed the suit for foreclosure of mortgage. It appears that there was an agreement arrived at between the parties to sell the property. In stead of amending the suit claiming decree of specific performance, Notice of Motion was taken out for decree of specific performance. That Notice of Motion for specific performance, in our opinion, has rightly been rejected by the learned single Judge. There is no room to interfere with that order. Notice of Motion and Appeal are disposed of.

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)